

Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,) Case No.: CR19-5010
Plaintiff,)
vs.) Statement of Defendant about life in FDC
BILAL H. WILLIS.) under COVID-19
Defendant)

Respectfully submitted,

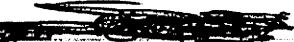
/s/ James B. Feldman
James B. Feldman
Attorney for Defendant

Dated: August 21, 2020

Statement re COVID -19

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DOING
"COVID TIME"

A
MEMOIR OF THE PAGE 1
EFFECTS OF COVID19 IN A PRETRIAL FACILITY
(FDC) SEATAC OF BOP.
BY
B.H. WILLIS 

I am inmate # 49413-086 a.k.a. MR. WILLIS To ~~redacted~~
~~redacted~~ all staff. I am currently in FDC, a federal
detention center for ~~pre-trial~~ inmates. I have been
here since Jan. 28th, 2019. In September I plead
guilty to non-violent drug offenses and await sentencing.
Nearly 1 year later, after multiple court continuances,
due to the Covid19 pandemic. This memoir is meant
to shed light on the many extreme consequences this
virus has forced upon inmates—although some of
the conditions are by design of the administration.

To give a thorough and accurate account of the
effects on life inside a detention Center, let me
first enlighten readers to what it was like here
at FDC Pre-Covid19. In other words— Ordinary
Pretrial conditions – At least since my arrival.

Schedule

After initial processing – I'm placed into a unit with
2-man cells – Given a handbook, which explains
all the rules I am to abide by – My cell mate tells

- Purpose of Pretrial detention Centers is to house those accused of crimes, awaiting trial, probation violation hearings, detention hearings, sentencing – Post plea hearings ..
- After plea & sentencing inmates wait for transfer. All levels of security inmates are housed in units.

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me the rest. Mon-Friday normal operations is as followed; 6am - 7am breakfast. Inmates are let out of cells into * Dayroom area to eat for 15 - 20 min, then second half of unit follows. 7am - 7:45 is a count time * Orderlies clean unit. From 7:45 to 11:00 am Dayroom is open, as well as recreation, which includes entire unit having access to phones, email services, legal phones, board games, filtered water and ice machine, hot water dispenser, t.v. Recreation Area includes basket-ball, handball, volley-ball, some basic exercise equipment for ab workouts and dip exercises... Even multiple (2) computers to access case.laws in the Day room.

11- noon is lunch. 12:30 - 1:00 pm is another count time. 1:00 pm - 3:30 pm open unit 3:45 - 5pm Count time. After count time

3 Dinner the unit remains open until 9:30 pm.

In conclusion - During normal operations I would have a total of 9-10 hours daily to use phones, emails, lawyer calls, shower, exercise, socialize, play games. ANYTHING to better myself physically - keep contact with my emotional support, legal advisor etc... Which amounts to nearly 70 hours a week NOT locked inside the cell.

¹* Orderly - is the name of an inmate workers - basically a paid janitor to sanitize the unit - Mop - Garbage, ect etc..

²* Dayroom - The common area of unit w/ Tables, t.v.s (4) phones, computers & legal phones.

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EDUCATIONAL & Religious Programs.

During normal operations FOC offers us the opportunity to get placed on ³* CALLOUT for Legal Library on the education floor to research and in some cases the only means to view ⁴* Protected Disc of ⁵* discovery. For some inmates designated to serve their time here in one of the few permanent units - They offer G.E.D. classes, and some other cognitive behavioral based courses to help with Re-Entry.

During the time of pre-covid19 operations I began to research and develop an anti-recidivism curriculum, named A Better P.L.A.C.E. Place being the acronym for Pursuing Life After Crime Education. After presenting my work to the Resident Re-Entry Specialist, I was placed on callout twice weekly to work on the school floor on the development of my curriculum. The Re-Entry specialist anticipated the class to be highly effective, and genuine - wanting to submit to ⁶* B.O.P. for acceptance as nation-wide curriculum, to give inmates credit for completion towards ⁷* First Step Act Good conduct credits. The work on this curriculum is still in progress - however since Pandemic, the Re-Entry Specialist has since been reassigned

³* Callout is list of inmates to report to location daily

⁴* Protected Disc - Evidence not allowed left in inmate's care

⁵* Discovery - All evidence against you that prosecution has

⁶* B.O.P. (Bureau of Prisons)

⁷* First Step Act - Dec. 2019 signed into law effective Nov.

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Religious services were offered. Volunteers & a resident chaplain lead services from Christian, Catholic, Muslim & Native religions - including once weekly drumming ceremonies among others..

CONTACT VISITS

Although the privilege is based on strict rules, a background process for applicants limited to spouses & other immediate family members - contact visits are essential to dealing with incarceration. FDC allows 2 hours, 2 days per week, and additional holiday visitations. As a Father of 7, jointly 10 counting my wife's children - I took full advantage of being able to physically see my family nearly every week being able to nurture my parental bond. As the primary caretaker, I participated 110% in my kids' lives and they all resided with me, and current wife. So for me, the visiting proved detrimental in minimizing the trauma of my arrest & absence for my younger children (5 under the age 10). 8-12 hours of quality time per month. I cannot explain the value of that time, especially to them.

LAWYER VISITS

Also key & vital to fighting any charges against you, strategy, plea deals, and one's overall peace of mind, is lawyer visits to go over evidence, especially 'Protected evidence'. To not have that ability is a direct violation of the constitutional right to effective counsel. I personally fired my first Fed attorney for failing to visit..

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Some additional privileges allowed to us are commissary - with a "90" limit per week to purchase snacks, radios, mp3 players, some clothing items, (such as sweat pants, shorts, socks etc...) stamps. These are "Privileges" which can be denied through disciplinary actions through receiving ^{8*} SHOTS, which can lead to ^{9*} SHU, placement or various other consequences, such as loss of emails, good time, visits, commissary etc...

Recreation Specialist Activities

Through recreation and ^{10*} Rec Aides - we are able to participate in monthly tournaments, holiday competitions, and the photo program which allows to take photos to send home and or at visits per holiday schedules. I am currently Head Rec Aide of my unit.

Medical Treatment

There is an electronic, and also physical drop box for medical inquiries - as well as an emergency call button in each cell. Aside from the T.B. tests, and initial screening - I've only had cause to call on medical here twice - once before Covid19, I had severe heartburn - and waited 2 weeks to be placed on callout - which I declined, and once

^{8*} SHOT - The term used for any disciplinary write-up.

^{9*} SHU - Secured Housing Unit aka "The Hole" - 24 hour lockdown - shower inside cell - NO Privileges - video visits - usually for fights or really bad SHOTS.

^{10*} Rec Aides - inmates working for Recreation Specialist.

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after Covid19 - in which I pressed the emergency button due to excruciating pain - vomiting,³ urinating blood. The initial response was 4 hours later - No doctor, only a nurse showed up to take blood pressure - Nothing was done. The next morning after spending ALL night in that condition - no doctor showed up to check on me as promised. It wasn't until concerned clos allowed me to call my attorney - And 1 hour after sending C.C. emails to the F.D.C. Lawyer, prosecutor, & Judge's clerk, I was seen. Come to find out I was passing 2 kidney stones large enough to be seen on an x-ray. I was given ibu Profen... When it comes to Covid19 and the medical treatment HERE, I fear for my life as a Lifetime asthmatic person. w/ kidney issues.

Even under normal conditions - being an inmate is stressful, depressing - The daily treatment of us as inmates varies by the moods of officers working.⁴ Corporal punishment is a tool that their own handbook says goes against inmates' rights and their policy for any institution - Yet it happens in here ALL the time. I personally experienced doing nothing and going to

³* Corporal punishment - or "Group Punishment" is when they punish en masse for the conduct of only one or a select few. (ie. Inmate tells guard, "Fuck You!" and that guards Lockdown the entire unit as punishment.)

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the SHU... In the 19 months I've been here I've received no shots, have not given cause to be profiled in any^{12*} disruptive group, nor in any way conducted myself in manner > harmful to others, or disrespectful. On the contrary, I've spent my time helping inmates, drafting & re-drafting my curriculum, promoting change and peace. You could say I'm a Model Inmate. Yet, when my cell-mate went into another inmate's cell and got into an altercation - the next day - without explanation, motive, or just cause, I was taken to the SHU. Staying humble, having broken no rule in over a year and still to this day - Yet I am in the Hole suffering the same consequences as someone that fought someone. After being ignored - then eventually told It was an investigation that could take months - I decided to trust my innocence to my higher Power. I fasted - to them ¹³* Hunger Strike. After 3 days - I was released - No explanation, No shot, no apology. At best, we are simply ignored - At worst, treated as less than citizens or even humans. Just being here has stripped us privacy, property, freedom, family, dignity, say so, and protection from abuse. And that's under normal circumstances.

^{12*} Disruptive Group - Any Group deemed dangerous, or high security risk - (ie some Gangs like M.S.^{13*})

^{13*} Hunger Strike - Refusing to eat ANY meals, food, or drink - After 9th meal missed - Inmates can be forced...

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Post Covid 19 TIME..

Early March of 2020 - Our first effect was the announcement of a "temporary" cancellation of social visits. For myself - Probably the initial most heart-breaking news. Thoughts of my babies and how this would effect them made time immediately feel heavy. ALL the while, still not knowing what my sentence would be....

Without warning - and not a single positive case of the virus - we were placed on "Quarantine" Lockdown. They called it Phase 2. 2 solid weeks - our unit was reduced to the SHU. No phones, No computer, No commissary - Old frozen boxed meals. No answers from anyone. That became 2 weeks of 2 days allowed 1 10 min call a day. Tues & Thursdays only. During which time the first * Town Hall was held. No visits, don't know when, No lawyer visits, No school, or Legal library, \$25.00 per week commissary limit. Our questions ignored daily. I cannot say what motivated administration, but my guess would be fear - The pandemic within the Pandemic - when it was still considered a localized epidemic.

* Town Hall - A time when Administration - Team of Unit, come into unit to openly Discuss, take Q's and inform inmates on conditions, Policy changes, etc.

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and not much known about it - Fear turned us into S.H.U. inmates. Without Any confirmed cases for Months & months we were simply locked into cells. Court dates postponed, *Speedy trial rights set aside, the ability to go over discovery gone because lawyers cannot visit. And all the while hearing horror stories from other prisons. I am worried about my family - Yet barely am able to contact them. The overall atmosphere is a tangible melancholy. Anxiety, fear, unrest, but the fear of dying in here is REAL & ever-present. I plead guilty to a non-violent drug crime without even a gun involved.

The following phases give us 2 hours per day, 5 days a week. Which is still a lot better than 10 minutes, twice weekly. It still boils down to 2 calls a day if you're lucky. There is a 30 minute wait period between placing calls. This is also time to shower, clean your cell, exercise, call lawyer (if it's before 5 pm.) So, not much. As a form of consolation, they tell us our phone minutes are going up to 300 minutes per month And they'll be free! Mathematically I cannot even use 300 minutes per schedule. We voice this- it is ignored.

RIOTS OUTSIDE

After 3 days of riots following a police killing a black man, and with ZERO incidents, or evidence of impending disruption - we are

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again placed on SHU status as a unit. Locked in our cells, unable to call our families yet again - for events unrelated to us. This lasted for a week or so - Then back to 2 hour a day Lockdown.

During these times the only source of sunlight - outside air - is the recreation Area - Emptied of ALL equipment yet still unable to use. Next phase extended the 2 hour per day to the weekends. Nothing else has changed.

In Mid June, 2020, a petition was made, and signed by nearly every inmate in the D.C. Unit - Asking for the Unit to be more open -(Considering to date, NO CASES were reported) and asking for fair treatment and to abandon "Group Punishment", and to be heard at Town Halls, and informed of the status of our lockdowns, duration, etc... July 1st the unit was returned to Modified operations -

Splitting the time in the Dayroom between Half the unit - Allowing about 4 1/2 - 5 hours per day - Still no games, table use, and masks are required. IT appears the petition had impact, and even though they specified NO ONE would go to the SHU or get a shot - when discussing the contents of said petition. I recently found out that was a lie. In retaliation for petition an inmate was, in fact given a shot, 36 days in the SHU, 14 days Loss of Good time

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and loss of email for 90 days. I will not disclose his name without his permission.

Quarantine

Although inmates here have had no positive cases due to quarantine of new inmates (14 days) then they are tested - results taking 5 work days and if Negative, allowed into the units.

However, an inmate leaving to another facility must first quarantine in the S.H.U., a punishment in and of itself - for nearly 21 days.

Would it not be easier to assume an inmate leaving a place with no Positive test results, who has been nowhere, is negative - and test him in the unit prior to leaving for transfer?

Who am I to question the logic of Policy makers?

As I write this memoir on 8/5/2020 it is actually day 14 of the latest 24-hour lock down due to a single positive case in the building (The First I Ever) in which we were placed

* 8th Amend... on Lockdown - TOLD NOTHING - No calls, no emails, and for 3 of those days we did not even have envelopes to mail our loved ones. The anxiety & depression can be immobilizing. The fear of the unknown - The isolation to a small cell with no cause explained or relief in sight. At what point has Covid 19 rendered the * 8th Amendment (Among others) null & void? "... Nor cruel and unusual punishments inflicted." It may not be planned or intended but Covid Time puts HARD

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TIME to shame. I have said, I am considered a model inmate - Many can make that claim. But, the Covid19 Protocols make ALL inmates equally privileged as deathrow inmates - or SHU inmates. In regards to cleanliness - even less so. SHU inmates can shower in personal showers daily. In normal population, following all the rules I shower 3 times during Covid Time per week - 6 showers shared between 115 inmates, 1 toilet bowl brush, 1 plunger, and 3 brooms. Showers are bleached once in the morning. So essentially, the first 6 people to shower are safe from anyone's germs - That Day...

I have had 5 postponed sentencing hearings since January. The most recent would've been 2 days from now. Now it's another month. I have not seen my family in 8 months. I long to at least be able to tell them when to expect me home - which the anxiety of an unknown sentence hangs over my head compounded by more covid related fears and uncertainties.

Does F.S.A. MATTER ???

I mentioned earlier the First Step Act. signed into law and among other things - it has Goodtime reform, and "earned time" off of a sentence for programs like certain classes, jobs, etc... It puts pressure on BOP to keep us as close to home when placing us into facilities - within 500 driving miles when possible

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*state

to promote community support, visiting and reunification. for me, that's ideal. Being too far in another* could prove detrimental to my family bonds. A hardship we may not be able to recover from. Furthermore RDAP is recommended, and if approved I can take advantage of benefitting from one year off by completing it...

Yet, because of Covid19, none of these benefits can apply. No programs are running for fear of spread. Transfers to other facilities are routinely canceled. And there's no answer as to when this will no longer be the case.

I may not be innocent of a crime, but doing Covid Time is harder than Hard time, it's excessive - IT's ALL punishment with no focus on institutional rehab, or skill builders, because a classroom means risk.

CARES ACT

AG, William Barr put out memo - following The CARES ACT, telling courts to let out people that are non-violent offenders, covid susceptible due to certain Age and conditions, time left on sentence. Also to Compassionately release people

- * RDAP - A 9 month therapeutic drug treatment program in the Feds you can take prior to release. Added perk of completion - 1 year off sentence and 9 months halfway house...

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and let out people on pretrial release conditions. That is happening hardly at all. Prosecutors aggressively oppose any attempts at all without compassion, 20 year old crimes are used to call people threats to community. Even in my case; hypothetically speaking. If I wanted to file for compassionate release being black, non-violent, with asthma & kidney issues - I could not even begin the process until AFTER I was given a sentence. which has so far, taken a whole year... And could change again.

Everybody doing time may be different, but Covid Time is worst than ever before doing time. Worse than our government intended. The First Step Act was bi-partisan - Proof that our government wants us to Learn from our mistake, become better social, positive contributors to our communities. Learn trades, get treatment, come home early as we can and break the chain of recidivism. But how can we under these conditions?

Covid19 is an unprecedented natural disaster, the effects of which have not discriminated. We are ALL suffering - as a people, a planet, from the Richest, to those of us society shuns most. In any other circumstance - The Gross violations of the Constitution would Not be tolerated - or so I believe.

However, This is Covid Time -

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This by far, is the worst, possibly borderline - inhumane kind of time to serve. On a psychological level - The stress, depression, anguish from family contact deprivation can cause us to be even more vulnerable by lowering our immune system.

We cannot see outside, and we receive no direct sunlight. B.O.P. is ^{*not} being forthcoming with the conditions. During this latest 14 day blackout we were denied soap, could not order hygiene products, our blankets/sheets were not exchanged - Normally is once weekly, but this extended our soiled bed coverings to 3 weeks without ability to change.

The tap water from our sinks rarely gets cold and taste metallic and of chemicals, yet the filtered water/ice machine was unplugged...

Above all else - we don't know when this will end, how long must I go without human contact, how long will my children not be allowed to see me? How long will Covid19 render basic human rights, constitutional amendments, and cruel punishment optional? I feel, and know that I am powerless. This indefinite state of fear and hopelessness breeds depression. Covid19 conditions and its effect on the legal system roll down into facilities such as the one I reside, and what results is a form of torture. My heart breaks daily - Every call home I make could be my last for weeks/months, or my LAST - If I were to catch Covid19 and it be fatal..

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These are the thoughts, fears, conditions — My reality 24 hours a day doing "Covid Time"

The burden is heavy — though my entire family carries it as well. One day they hear from me, the next nothing... And nothing the next... Until a letter shows up. I can only imagine the worry and distress that causes my loved ones. Having no way of knowing if I'm safe, or if the Virus is running rampant in our facility and I'm just waiting to catch it... My question is ... what can be done?

Who will do it?

Is this just the accepted norm until we are vaccinated?

We don't even have video visit access — And according one TownHall, likely won't anytime soon. I plead guilty — I Accepted and still accept full responsibility for my mistakes — And I am paying dearly — even before given a sentence. Given the chance to be home — I will NOT re-offend. Ever. 20 months, and nearly half has been Covid Time — I diligently work to improve myself, and even others with the development of A.B.P. curriculum. Because my family deserves better, and aside from ~~sma~~ the small percent of individuals (Killers & Rapists & Extremely unremorseful violent criminals) NO ONE deserves to do Covid Time. I hope this sheds light on the darkness that I see daily & helps someone be to see us inside, Doing Covid Time.